

126379

C-117

NO. CC-70-8402-b

DEED RECORD

STATE OF TEXAS AND  
COUNTY OF DALLAS

VS.

BEST INVESTMENT COMPANY,  
ET AL.

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IN THE COUNTY COURT OF

DALLAS COUNTY AT LAW NO. 2,

DALLAS COUNTY, TEXAS

JUDGMENT

On this the 19 day of Nov, 1974, came on to be heard and considered the above numbered and entitled cause, wherein the State of Texas and County of Dallas are Plaintiffs and Best Investment Company, a Texas Corporation, Joe A. Irwin, Rose B. Doerr, Landon J. Irwin, Robert J. Irwin, City of Dallas, Texas, -Dallas Independent School District, Times Herald Printing Company, a Texas Corporation, Ferris Land Company, a Texas Corporation, County of Dallas, Texas (for taxes), and Time Traders, Inc., a Corporation, are Defendants. Defendant, Rose B. Doerr, died intestate after this suit was instituted, and Defendants Landon J. Irwin and Robert J. Irwin are the only heirs, and they are substituted herein as parties Defendant. (Affidavit of Heirship filed Volume 74131, Page 2400, Dallas County Deed Records).

Whereupon in open Court came the Plaintiffs by and through the Criminal District Attorney for Dallas County, and came the Defendants, and announced ready for trial, and a jury having been waived, all matters of fact and law were submitted to the Court.

The Court made the following findings:

1. This is a proceeding in eminent domain brought by the Plaintiffs to acquire for Controlled Access highway purposes from Defendants a right of way in, upon and across the herein-after described tract of land.

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2. The Award of Commissioners was filed October 29, 1970, and the Defendants filed Objections to said Award. The date of taking was November 19, 1970.

3. The amount of damages to which Defendants are entitled to be paid by virtue of the condemnation is THREE THOUSAND FIVE HUNDRED TWENTY-FIVE AND NO/100 DOLLARS (\$3,525.00), which sum has already been paid by Plaintiffs and received by Defendants.

4. Defendants Robert J. Irwin and Landon J. Irwin do hereby waive citation and enter appearance for all purposes.

WHEREFORE, PREMISES CONSIDERED, the Court has determined that the following should be made the judgment of the Court.

It is ORDERED, ADJUDGED AND DECREED that the Plaintiff, State of Texas, do have and recover of Defendants, Best Investment Company, a Texas Corporation, Joe A. Irwin, Landon J. Irwin, Robert J. Irwin, City of Dallas, Texas, Dallas Independent School District, Times Herald Printing Company, a Texas Corporation, Ferris Land Company, a Texas Corporation, County of Dallas, Texas (for taxes), and Time Traders, Inc., a corporation, a right of way in, upon and across the hereinafter described tract of land, together with title to any fixed improvements thereon, said tract of land being described as follows:

Situated in the M. B. Reynolds Survey, Abst. 1727, in the City of Dallas, Dallas County, Texas.

BEING 1.356 acres of land, more or less, out of that tract of land described as SECOND TRACT and conveyed to Wardell Johnson by deed recorded in Volume D-493, Page 0979, Deed Records of Dallas County; and said 1.356 acres of land being more particularly described in two parts as follows:

PART 1: Contains 0.800 of an acre of land, more or less,

BEGINNING at the Northwest corner of Lot 31 in Block F/7169 of Joe A. Irwin Addition No. 5, an Addition to the City of Dallas according to the Map thereof recorded in Volume 11, page 13, Map Records of Dallas County; said Northwest corner also being the point of intersection of the Southwest line of Pueblo Street with the Southeast line of Dallas Power & Light Company Easement as described in Volume 2027, page 294, Deed Records of Dallas County;

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THENCE South 09 deg. 54' 53" West along said Easement line and said Johnson Southeast tract line for a distance of 345.36 feet to the Northeast line of Block 1/7170 of Joe A. Irwin Addition No. 6-B, an Addition to the City of Dallas according to the Revised Map thereof recorded in Volume 12, page 67, Map Records of Dallas County;

THENCE North 72 deg. 47' 11" West along said Northeast block line for a distance of 25.27 feet to an angle point;

THENCE North 79 deg. 20' 05" West, continuing with said block line, for a distance of 74.94 feet to the Northwest line of said Dallas Power & Light Company easement and said Johnson tract of land;

THENCE North 09 deg. 54' 53" East along said Northwest line for a distance of 353.56 feet to the said Southwest line of Pueblo Street;

THENCE South 73 deg. 01' 19" East along said Southwest line of Pueblo Street for a distance of 100.76 feet to the place of beginning.

PART II: Contains 0.556 of an acre of land, more or less,

BEGINNING at the Northeast corner of Lot 14 of Block B/7169 of Joe A. Irwin Addition No. 5, an addition to the City of Dallas according to the Map thereof recorded in Volume 11, page 13, Map Records of Dallas County; said Northeast corner also being the point of intersection of the Southerly line of Wilson Street with the Northwest line of Dallas Power & Light Company Easement as described in Volume 2027, page 294, Deed Records of Dallas County;

THENCE South 09 deg. 54' 53" West along said Northwest Easement line and said Johnson tract line for a distance of 404.13 feet to the Northeast line of Pueblo Street;

THENCE South 73 deg. 01' 19" East along said Northeast line of Pueblo Street for a distance of 100.76 feet to the Southeast line of said easement and said Johnson tract of land;

THENCE North 09 deg. 54' 53" East along said Southeast line for a distance of 80.42 feet;

THENCE North 06 deg. 39' 17" West for a distance of 350.66 feet to the place of beginning.

Save and except, there is excluded from said estate, all the oil, gas and sulphur which can be removed from beneath said land without any right whatsoever remaining to the owners of said oil, gas and sulphur of ingress or egress to or from the surface of said land for the purpose of exploring, drilling, mining, and developing the same. Plaintiff, in the exercise of the police power for the preservation of human life and safety,

and under existing laws, has designated said highway as a Controlled Access Highway, to which no access from Defendants' remaining land, for which the herein condemned land is severed, will be permitted.

It is further ORDERED, ADJUDGED AND DECREED that the Defendants, Best Investment Company, a Texas Corporation, Joe A. Irwin, Landon J. Irwin, Robert J. Irwin, and Times Traders, Inc., a corporation, have judgment against the Plaintiffs, State of Texas and County of Dallas, for the sum of TWO THOUSAND FORTY-NINE AND 31/100 DOLLARS (\$2,049.31) as full compensation for this condemnation which sum has already been paid by Plaintiffs into the Registry of the Court.

It is further ORDERED, ADJUDGED AND DECREED that the Defendants, City of Dallas, Texas, and Dallas Independent School District have judgment against Plaintiffs, State of Texas and County of Dallas, for the sum of ONE THOUSAND FOUR HUNDRED THIRTY-EIGHT AND 23/100 DOLLARS (\$1,438.23) as full compensation for this condemnation which sum has already been paid by Plaintiffs into the Registry of the Court.

It is further ORDERED, ADJUDGED AND DECREED that the Defendant, County of Dallas, Texas, have judgment for the sum of THIRTY-SEVEN AND 46/100 DOLLARS (\$37.46) which sum has already been paid by Plaintiffs into the Registry of the Court.

It is further ORDERED, ADJUDGED AND DECREED that the Defendants, Times Herald Printing Company, and Ferris Land Company, each take nothing further herein.

It is further ORDERED, ADJUDGED AND DECREED that the Plaintiffs, State of Texas and County of Dallas, pay all costs

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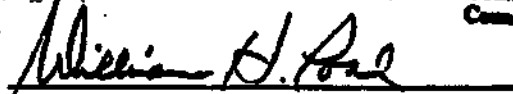
herein, which costs shall be paid to the County Clerk of Dallas  
County, Texas.


SIGNED AND ENTERED this 19 day of Nov, 1974.

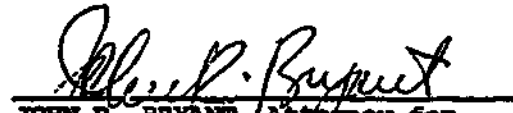


Judge of County Court of Dallas County at Law No. 3, Dallas  
County, Texas, sitting for Judge of County Court of Dallas  
County at Law No. 2, Dallas County, Texas.

APPROVED:

  
WILLIAM H. POOL  
Assistant District Attorney  
Attorney for Plaintiffs

  
JOE ABBEY, Attorney for Defendants,  
Landon J. Irwin and Robert J. Irwin

  
JOHN R. BRYANT, Attorney for  
Defendants, Best Investment Company,  
Joe A. Irwin, Time Traders, Inc.,  
a Corporation

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STATE OF TEXAS } I, TOM E. ELLIS, Clerk of the County Court of Dallas County at Law  
County of Dallas }

I, 2 Dallas County, Texas, do hereby certify that the foregoing is a true and correct copy of  
JUDGMENT IN cause NO. cc-70-8402-b, State Of Texas and County Of  
Dallas VS. Best Investment Company, Et Al. Entered in Volume 38,  
Pages 902-906, Minutes County Court At Law NO. 2, Dallas County, Texas  
in the above styled and numbered cause, as the same now appears on file in my office. Witness my hand  
and seal of said Court this 9th day of December A. D. 1974.

TOM E. ELLIS, County Clerk

By Carolyn Graves Deputy

Carolyn Graves

Return to:

John G. Keller, Dist. Engr.  
Texas Highway Dept.  
P. O. Box 3067  
Dallas, Texas 75221

FILED  
John G. Keller  
COUNTY CLERK  
DALLAS COUNTY

1975 JAN 10 AM 11 21

STATE OF TEXAS COUNTY OF DALLAS  
I hereby certify that this instrument was  
filed on the date and time stamped herein  
by me and was duly recorded in the volume  
and page of the names recited of Dallas  
County, Texas as stamped herein by me.

JAN 10 1975

 Tom E. Ellis  
COUNTY CLERK, Dallas County, Texas

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